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December 20, 2007

BY FACSIMILE: 212-805-6382

Honorable Victor Marrero  
 United States District Judge  
 United States Courthouse  
 500 Pearl Street, Room 660  
 New York, New York 10007

USDS SDNY  
 DOCUMENT  
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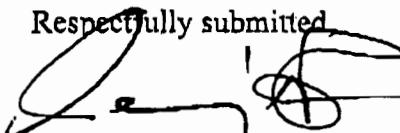
Nicole Miller, LTD v. Boston Proper, Inc., et al.  
 07 Civ. 9894 (VM)

Dear Judge Marrero:

We are the attorneys for defendant Boston Proper, Inc. ("Boston Proper") in this action, which was reassigned to Your Honor on December 14, 2007. By this letter, Boston Proper respectfully requests that the Court deny plaintiff's Application for Entry of Default, dated December 13 and filed December 14, 2007 [Document No. 4 on the Docket Sheet]. As the record now reflects, defendant Boston Proper filed an Answer to the Complaint in this action, together with its Rule 7.1 Disclosure Statement, on December 17, 2007 [Document Nos. 6, 7]. Boston Proper also notes that plaintiff's Application for Entry of Default does not comply in several material respects with this Court's Default Judgment Procedures, effective September 9, 2006.

In view of the foregoing, defendant Boston Proper respectfully requests that this Court deny plaintiff's December 13, 2007 Application for Entry of Default.

Respectfully submitted,

  
 Lansing R. Palmer

LPR/jrs

Request GRANTED. In view of defendant's answer, the Court shall deny plaintiff's application for entry of default judgment.

SO ORDERED: To defendant Boston Proper, Inc.

12-21-07

DATE	VICTOR MARRERO, U.S.D.J.
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